

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,  
STATE OF CALIFORNIA, STATE OF  
COLORADO, STATE OF ILLINOIS,  
STATE OF INDIANA, STATE OF IOWA,  
STATE OF MINNESOTA, STATE OF  
NEBRASKA, STATE OF OREGON,  
STATE OF TENNESSEE, STATE OF  
TEXAS, STATE OF WASHINGTON, and  
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,  
SYNGENTA CORPORATION,  
SYNGENTA CROP PROTECTION, LLC,  
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' MOTIONS TO  
DISMISS PLAINTIFFS' ORIGINAL  
COMPLAINT**

Plaintiffs Federal Trade Commission and the states of California, Colorado, Illinois, Indiana, Iowa, Minnesota, Nebraska, Oregon, Tennessee, Texas, Washington, and Wisconsin filed an Amended Complaint in this action on December 23, 2022. (Doc. 79).

The Amended Complaint supersedes the original Complaint filed in this action and moots the Motions to Dismiss the original Complaint that Defendants Corteva, Inc. and Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC, filed in this action on December 12, 2022. (Doc. 64, 65). It is well settled that a

timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. *See Young v. City of Mount Ranier*, 238 F.3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); *Selex ES Inc. v. NDI Techs., Inc.*, No. 3:20-CV637, 2021 WL 4761992, at \*1 (W.D.N.C. Oct. 12, 2021) (denying motion to dismiss as moot due to the filing of amended complaint); *see also* Fed. R. Civ. P. 15(a) (“A party may amend its pleading once as a matter of course within . . . 21 days after service of a motion under Rule 12(b).”).

Plaintiffs intend to respond to any motions to dismiss the Amended Complaint that Defendants may file.

Dated: December 23, 2022

Respectfully submitted,

/s/ James H. Weingarten  
JAMES H. WEINGARTEN (DC Bar No. 985070)  
Deputy Chief Trial Counsel  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Telephone: (202) 326-3570  
Email: jweingarten@ftc.gov

JOSEPH R. BAKER  
WESLEY G. CARSON  
ELIZABETH A. GILLEN  
EDWARD H. TAKASHIMA

*Attorneys for Plaintiff Federal Trade Commission*

ROB BONTA  
Attorney General

KATHLEEN E. FOOTE  
Senior Assistant Attorney General

PAULA L. BLIZZARD  
Supervising Deputy Attorney General

/s/ Nicole S. Gordon  
NICOLE S. GORDON  
California Office of the Attorney General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94610  
Telephone: (415) 510-4400  
Email: nicole.gordon@doj.ca.gov

*Attorneys for Plaintiff State of California*

KWAME RAOUL  
Attorney General

/s/ Paul J. Harper  
PAUL J. HARPER  
Assistant Attorney General, Antitrust  
Office of the Illinois Attorney General  
100 W. Randolph Street  
Chicago, IL 60601  
Telephone: (312) 814-3000  
Email: paul.harper@ilag.gov

*Attorneys for Plaintiff State of Illinois*

PHILIP J. WEISER  
Attorney General

/s/ Carla J. Baumel  
JAN M. ZAVISLAN  
Senior Counsel  
CARLA J. BAUMEL  
CONOR J. MAY  
Assistant Attorneys General  
Colorado Department of Law  
Office of the Attorney General  
Ralph L. Carr Judicial Center  
1300 Broadway, 7th Floor  
Denver, CO 80203  
Telephone: (720) 508-6000  
Email: Jan.Zavislan@coag.gov  
Carla.Baumel@coag.gov  
Conor.May@coag.gov

*Attorneys for Plaintiff State of Colorado*

THEODORE E. ROKITA  
Attorney General

/s/ Matthew Michaloski  
MATTHEW MICHALOSKI  
Deputy Attorney General  
SCOTT BARNHART  
Chief Counsel and Director of Consumer  
Protection  
Office of the Indiana Attorney General  
Indiana Government Center South – 5th Fl.  
302 W. Washington Street  
Indianapolis, IN 46204-2770  
Telephone: (317) 234-1479  
Email: matthew.michaloski@atg.in.gov  
scott.barnhart@atg.in.gov

*Attorneys for Plaintiff State of Indiana*

TOM MILLER  
Attorney General

/s/ Noah Goerlitz  
NOAH GOERLITZ  
BRYCE PASHLER  
Assistant Attorneys General  
Office of the Iowa Attorney General  
1305 E. Walnut St.  
Des Moines, IA 50319  
Telephone: (515) 725-1018  
Email: noah.goerlitz@ag.iowa.gov  
bryce.pashler@ag.iowa.gov

*Attorneys for Plaintiff State of Iowa*

DOUGLAS J. PETERSON  
Attorney General

/s/ Joseph M. Conrad  
JOSEPH M. CONRAD  
COLIN P. SNIDER  
Office of the Attorney General of  
Nebraska  
2115 State Capitol Building  
Lincoln, NE 68509  
Telephone: (402) 471-3840  
Email: Joseph.Conrad@nebraska.gov  
Colin.Snider@nebraska.gov

*Attorneys for Plaintiff State of Nebraska*

KEITH ELLISON  
Attorney General

JAMES W. CANADAY  
Deputy Attorney General

/s/ Katherine Moerke  
KATHERINE MOERKE  
JASON PLEGGENKUHLE  
ELIZABETH ODETTE  
Assistant Attorneys General  
Office of the Minnesota Attorney General  
445 Minnesota Street, Suite 1200  
St. Paul, MN 55101-2130  
Telephone: (651) 296-3353  
Email: james.canaday@ag.state.mn.us  
katherine.moerke@ag.state.mn.us  
jason.pleggenkuhle@ag.state.mn.us  
elizabeth.odette@ag.state.mn.us

*Attorneys for Plaintiff State of Minnesota*

ELLEN F. ROSENBLUM  
Attorney General

/s/ Timothy D. Smith  
TIMOTHY D. SMITH  
Senior Assistant Attorney General  
Antitrust and False Claims Unit  
Oregon Department of Justice  
100 SW Market St  
Portland, OR 97201  
Telephone: (503) 934-4400  
Email: tim.smith@doj.state.or.us

*Attorneys for Plaintiff State of Oregon*

JONATHAN SKRMETTI  
Attorney General

/s/ Hamilton Millwee  
HAMILTON MILLWEE  
Assistant Attorney General  
TATE BALL  
Assistant Attorney General  
Office of the Attorney General of  
Tennessee  
P.O. Box 20207  
Nashville, TN 37202  
Telephone: (615) 291-5922  
Email: Hamilton.Millwee@ag.tn.gov  
Tate.Ball@ag.tn.gov

*Attorneys for Plaintiff State of Tennessee  
Notice of Special Appearance  
forthcoming*

ROBERT W. FERGUSON  
Attorney General

/s/ Luminita Nodit  
LUMINITA NODIT  
Lumi.Nodit@atg.wa.gov  
Assistant Attorney General,  
Antitrust Division  
Washington State Office  
of the Attorney General  
800 Fifth Ave., Suite 2000  
Seattle, WA 98104  
Tel: (206) 254-0568

*Attorneys for Plaintiff State  
of Washington  
Notice of Special Appearance  
forthcoming*

KEN PAXTON  
Attorney General

/s/ Margaret Sharp  
BRENT WEBSTER  
First Assistant Attorney General  
GRANT DORFMAN  
Deputy First Assistant Attorney General  
SHAWN E. COWLES  
Deputy Attorney General for Civil Litigation  
JAMES LLOYD  
Chief, Antitrust Division  
TREVOR YOUNG  
Deputy Chief, Antitrust Division  
MARGARET SHARP  
WILLIAM SHIEBER  
Assistant Attorneys General  
Office of the Attorney General, State of  
Texas  
300 West 15th Street  
Austin, TX 78701  
Telephone: (512) 936-1674  
Email: Margaret.Sharp@oag.texas.gov

*Attorneys for Plaintiff State of Texas*

JOSHUA L. KAUL  
Attorney General

/s/ Laura E. McFarlane  
LAURA E. MCFARLANE  
Assistant Attorney General  
Wisconsin Department of Justice  
Post Office Box 7857  
Madison, WI 53707-7857  
Telephone: (608) 266-8911  
Email: mcfarlanele@doj.state.wi.us

*Attorneys for Plaintiff State of Wisconsin*